

JUSTICE

Budget Summary						FTE Position Summary				
Fund	2012-13 Adjusted Base	Request		2013-15 Change Over Base Year Doubled		2012-13	Request		2014-15 Over 2012-13	
		2013-14	2014-15	Amount	%		2013-14	2014-15	Number	%
GPR	\$41,698,100	\$42,709,000	\$42,851,000	\$2,163,800	2.6%	383.08	394.41	394.41	11.33	3.0%
FED	7,881,200	7,894,600	7,900,100	32,300	0.2	24.95	24.95	24.95	0.00	0.0
PR	39,497,000	44,999,000	47,400,700	13,405,700	17.0	198.71	213.38	223.38	24.67	12.4
SEG	373,100	388,900	389,500	32,200	4.3	2.75	2.75	2.75	0.00	0.0
TOTAL	\$89,449,400	\$95,991,500	\$98,541,300	\$15,634,000	8.7%	609.49	635.49	645.49	36.00	5.9%

Major Request Items

1. STANDARD BUDGET ADJUSTMENTS

Request adjustments totaling -\$255,000 GPR, \$13,400 FED, \$818,000 PR, and \$15,800 SEG in 2013-14, and -\$184,600 GPR, \$18,900 FED, \$518,100 PR, and \$16,400 SEG in 2014-15. Adjustments are for:

GPR	- \$439,600
FED	32,300
PR	1,336,100
SEG	32,200
Total	\$961,000

(a) turnover reduction (-\$580,300 GPR and -\$136,400 PR annually); (b) removal of noncontinuing elements from the base (-\$347,300 PR in 2014-15); (c) full funding of salaries and fringe benefits (\$240,700 GPR, -\$145,500 FED, \$364,400 PR, and -\$6,100 SEG annually); (d) overtime (\$151,200 GPR, \$533,800 PR, and \$11,000 SEG annually); (e) night and weekend differential (\$9,600 GPR and \$2,200 PR annually); (f) full funding of lease costs and directed moves (-\$76,200 GPR, \$158,900 FED, \$54,000 PR, and \$10,900 SEG in 2013-14, and -\$5,800 GPR, \$164,400 FED, \$101,400 PR, and \$11,500 SEG in 2014-15); and (g) minor transfers within the same appropriation.

2. DNA COLLECTION AT ARREST AND THE DEOXYRIBONUCLEIC ACID ANALYSIS SURCHARGE

	Funding	Positions
PR	\$7,208,500	26.00

Request \$2,178,100 and 16.0 positions in 2013-14, and \$5,030,400 and 26.0 positions in 2014-15, to collect DNA samples from all arrested individuals suspected of felony and certain misdemeanor violations, as well as from all adults convicted of a misdemeanor. Funding would include: (a) \$1,155,800 in 2013-14, and \$1,821,800 in 2014-15 for supplies and services costs; (b) \$1,360,000 in 2014-15 for local assistance payments to reimburse local law enforcement agencies for the cost of collecting DNA samples; (c) \$661,300 in 2013-14, and \$1,274,600 in 2014-15 for salary and fringe benefit costs; (d) \$192,600 in 2013-14, and \$426,300 in 2014-15 for rent costs; and (e) \$168,400 in 2013-14, and \$147,700 in 2014-15 for one-time financing costs.

The 16.0 positions in 2013-14 would include: (a) 8.0 DNA analysts; (b) 3.0 identification technicians; (c) 2.0 DNA supervisors; (d) 2.0 information systems comprehensive specialists; and (e) 1.0 attorney. Under the request, an additional 8.0 forensic program technicians and 2.0 criminal history records specialists would be created in 2014-15. The Department estimates, based on 2010 data, that the proposed law change would lead to an additional 68,000 DNA samples being collected annually (25,000 annually from felon arrestees, and 43,000 annually from adult misdemeanor convictions). [In addition, as part of its 2013-15 capital budget request, the Department is requesting upgrades and expansion of the Madison Crime Laboratory associated with this DNA collection at arrest initiative.]

Further, request statutory language to codify the current practice of reimbursing local law enforcement for each DNA sample collected. The increased funding under the request would be partially utilized to provide these reimbursement payments to local law enforcement.

Funding would be provided from the PR continuing crime laboratories; deoxyribonucleic acid analysis appropriation which receives revenue from the \$13 crime laboratory and drug law enforcement surcharge and the \$250 DNA surcharge. The \$13 crime laboratory and drug law enforcement surcharge is applied if a court imposes a sentence, places a person on probation, or imposes a forfeiture for most violations of state law or municipal or county ordinance. In addition, a court imposes the \$250 DNA surcharge either when it: imposes a sentence or places a person on probation for committing certain sex offenses; or when it elects to do so under any circumstance in which the court has imposed a sentence or placed a person on probation for a felony conviction.

Request the following changes to the DNA analysis surcharge to provide funding for the initiative: (a) require that the surcharge be assessed in each case in which a conviction for a felony occurs; (b) provide that the surcharge be newly assessed in the amount of \$150 for any misdemeanor conviction; and (c) provide that the DNA surcharge be assessed regardless of whether a DNA sample was collected from the individual in the case.

Finally, funding for the initiative would also be provided from a \$2.2 million annual transfer in penalty surcharge balances to the PR continuing crime laboratories; deoxyribonucleic acid analysis appropriation. [See Item #3 below for additional information.] Under current law, whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance, the court also imposes a penalty surcharge of 26% of the total fine or forfeiture.

3. PENALTY SURCHARGE

PR	\$778,200
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Request that the following programs in other state agencies no longer receive annual penalty surcharge funding of \$4,896,400: (a) categorical aids to the Department of Public Instruction (DPI) for alcohol and other drug abuse programs (\$1,284,700 annually); (b) DPI administration of the categorical aids for alcohol and other drug abuse programs (\$599,800 annually); (c) correctional officer training at the Department of Corrections (\$2,050,800 annually); (d) administration and funding of law enforcement and youth diversion programs at

the Department of Administration's Office of Justice Assistance (\$161,800 annually); (e) youth diversion program grants at the Office of Justice Assistance to divert youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs (\$672,400 annually); and (f) training and conferences for both staff attorneys and private bar attorneys who accept indigent criminal defense cases from the Office of the State Public Defender (\$126,900 annually).

Request that \$4,589,100 annually be provided to DOJ programs identified below.

Request \$389,100 PR annually in additional expenditure authority to DOJ's crime laboratories; deoxyribonucleic acid analysis appropriation funded by the penalty surcharge to provide additional funding to reimburse local law enforcement agencies for the cost of law enforcement training. [A technical correction will be needed as DOJ indicates that this increased expenditure authority should have been provided to the PR annual law enforcement training fund, local assistance appropriation.]

In addition, provide for the following transfers of penalty surcharge balances: (a) \$2,200,000 annually to fund a DNA collection at arrest initiative [increased expenditure authority associated with this funding transfer is identified under Item #2 above]; and (b) \$2,000,000 annually to the sexual assault victim services grant program [Item #4 below]. Finally, any unappropriated balances could reduce the deficit of the penalty surcharge fund.

Under current law, the penalty surcharge is imposed whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance. The penalty surcharge equals 26% of the total fine or forfeiture. In recent years the penalty surcharge fund has operated in deficit. In 2011-12, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$3,588,800. The penalty surcharge fund is projected to closed the 2012-13 state fiscal year with a cumulative deficit of \$3,430,000.

4. VICTIM AND WITNESS PROGRAMS AND THE CRIME VICTIM AND WITNESS SURCHARGE

PR	\$4,000,000
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Request the following funding changes to victim and witness programs administered by DOJ: (a) delete base GPR funding totaling \$1,267,200 GPR annually that is provided to reimburse counties for up to 90% of the costs incurred to administer victim and witness service programs; (b) provide \$1,267,200 GPR annually to provide increased funding for the crime victim compensation program; (c) delete base PR crime victim and witness surcharge funding totaling \$893,700 PR annually that is provided to make awards to victims under the crime victim compensation program; (d) provide \$2,675,700 PR annually in victim and witness assistance surcharge funding to reimburse counties for up to 90% of the costs incurred to administer victim and witness service programs; and (e) provide \$218,000 PR annually to the sexual assault victim services grant program.

As a result of this request, these victim and witness programs would experience the following annual funding increases: (a) \$1,408,500 to reimburse counties for up to 90% of the costs incurred to administer victim and witness programs; (b) \$373,500 to the crime victim

compensation program; and (c) \$218,000 for the sexual assault victim services grant program.

Further, request the following changes to the victim and witness surcharge (which currently totals \$92 for each felony offense and \$67 for each misdemeanor offense): (a) delete the deposit of Part B of the crime victim and witness assistance surcharge (\$20 for each misdemeanor or felony offense) to the sexual assault victim services grant program appropriation; (b) delete the Part A, B, and C components of the surcharge; (c) provide that all crime victim and witness surcharge revenue be deposited to the PR annual crime victim and witness surcharge, general services appropriation which funds reimbursements to counties for up to 90% of the costs incurred to administer victim and witness programs; (d) provide that the crime victim and witness surcharge must be assessed for each misdemeanor or felony count on which a conviction occurred, instead of providing that the surcharge be assessed for each misdemeanor or felony offense or count; (e) provide that the surcharge may not be waived, reduced, or forgiven for any reason; and (f) restrict the authority of the Department of Corrections to retain amounts collected from individuals under their supervision for supervision fees until all court-ordered obligations (such as this surcharge) are fully satisfied.

Under the Department's budget request, the sexual assault victim services grant program would no longer be funded by the crime victim and witness surcharge, but would instead be newly funded from the penalty surcharge. See Item #3 above.

Under current law, the crime victim and witness surcharge is assessed against any person who is convicted of a misdemeanor or felony violation of state law. The amount of the surcharge is \$67 for each misdemeanor offense and \$92 for each felony offense. The crime victim and witness surcharge is comprised of three parts, Part A, Part B, and Part C.

Part A of the surcharge equals \$40 for each misdemeanor offense and \$65 for each felony offense. Part A of the surcharge funds county reimbursements for victim and witness services as well as crime victim compensation payments. Part B of the surcharge equals \$20 for each misdemeanor or felony offense. Part B of the surcharge funds the sexual assault victim services grant program. Part C of the surcharge equals \$7 for each misdemeanor or felony offense. Part C provides additional funding for victim and witness services and crime victim compensation. An individual must pay the amount due under Part A before paying the amount due under Part B. Likewise, an individual must pay the amount due under Parts A and B before paying the amount due under Part C.

The surcharge is also imposed on civil offenses if: (a) a person is charged with one or more crimes in a complaint; and (b) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes. The amount of the surcharge applied to the civil offense is based on whether the original underlying charge was a felony charge (in which case a \$92 surcharge would be assessed), or a misdemeanor charge (in which case a \$67 surcharge would be assessed). Surcharge revenue from civil offenses is allocated to Part A and is available to fund victim and witness services and crime victim compensation.

5. WISCONSIN STATEWIDE INFORMATION CENTER

Request the following changes to the funding and position authority provided to the Wisconsin Statewide Information Center (WSIC): (a) delete \$454,300 PR and 5.0 PR positions annually from the DOJ Law Enforcement Services' PR continuing interagency and intra-agency assistance appropriation; and (b) provide \$815,800 GPR and 8.0 GPR positions in 2013-14, and \$877,200 GPR and 8.0 GPR positions in 2014-15. The Department indicates that the request would address the issue of decreasing federal homeland security funding.

	Funding	Positions
GPR	\$1,693,000	8.00
PR	<u>-908,600</u>	<u>-5.00</u>
Total	\$784,400	3.00

The WSIC is not restricted to a law enforcement or terrorism focus, but rather, at the recommendation of the Department of Homeland Security, has been developed as an all crimes, all hazards information sharing center that has a broad emergency response focus. In an emergency it is the responsibility of the WSIC to provide "actionable information" to assist Wisconsin Emergency Management or other state and local agencies in coordinated response to the emergency. It is also the responsibility of the WSIC to serve as the state agency intelligence lead for any criminal investigation resulting from a major incident.

6. INTERNET CRIMES AGAINST CHILDREN TASK-FORCE

Request \$451,000 and 5.0 positions in 2013-14, and \$461,200 and 5.0 positions in 2014-15, to provide additional resources for the Internet crimes against children (ICAC) taskforce unit at DOJ to combat commercial sexual exploitation of children. The 5.0 positions that would be created under the request include 3.0 special agents, 1.0 criminal analyst, and 1.0 criminal analyst-senior.

	Funding	Positions
GPR	\$912,200	5.00

The Wisconsin ICAC Task Force was created in 1998 with federal funding to counter the threat of offenders using online technology to sexually exploit children. The task force conducts investigations, provides investigative, forensic and prosecutorial assistance to police agencies and prosecutors, encourages statewide and regional collaboration, and provides training for law enforcement, prosecutors, parents, teachers, and other community members. The task force also coordinates with the Wisconsin Clearinghouse for Missing and Exploited Children, to provide support services to children and families that have experienced victimization. As of July, 2012, there were 181 law enforcement agencies, including DOJ, participating in the Wisconsin ICAC task force.

The Wisconsin ICAC task force is led by DOJ. In 2006-07, the ICAC task force unit in DOJ was authorized 10.0 positions. The provisions of 2007 Act 20 and 2009 Act 28 each provided an additional 5.0 positions to the DOJ ICAC unit. Finally, 2011 Act 32 provided an additional 11.0 positions for the unit. As a result, the unit has 31.0 positions as base resources in 2012-13.

7. TRANSFER NARCOTICS ENFORCEMENT FUNDING AND POSITIONS TO CRIMINAL INVESTIGATION

Request the deletion of base funding and positions allocated to narcotics enforcement totaling \$5,332,300 and 54.0 positions annually (\$2,166,000 GPR and 20.0 GPR positions, \$406,800 FED and 6.0 FED positions, and \$5,519,000 PR and 28.0 PR positions annually). Provide an offsetting \$5,332,300 and 54.0 positions annually to the Division of Criminal Investigation (\$2,166,000 GPR and 20.0 GPR positions, \$406,800 FED and 6.0 FED positions, and \$5,519,000 PR and 28.0 PR positions annually). The agency request would eliminate the allocation of funding and positions for the specifically authorized purpose of funding narcotics enforcement. Instead, the Division of Criminal Investigation would have authority to utilize these resources for narcotics enforcement or more broadly for criminal investigation.

8. TRANSFER DEOXYRIBONUCLEIC ACID ANALYSIS FUNDING AND POSITIONS TO THE CRIME LABORATORIES

Request the deletion of base funding and positions allocated for deoxyribonucleic acid (DNA) analysis totaling \$4,910,800 and 72.0 positions annually (\$2,686,200 GPR and 42.5 GPR positions, and \$2,224,600 PR and 29.5 PR positions annually). Provide an offsetting \$4,910,800 and 72.0 positions annually to the State Crime Laboratories (\$2,686,200 GPR and 42.5 GPR positions, and \$2,224,600 PR and 29.5 PR positions annually).

The analysis of DNA evidence at crime scenes is an important forensic tool for law enforcement. Under s. 165.77 of the statutes, the state crime laboratories are required to provide DNA analysis and maintain a DNA databank. The laboratories are required to analyze the DNA in a human biological specimen, if requested: (a) by a law enforcement agency regarding an investigation; (b) pursuant to a court order; and (c) by an individual regarding his or her own specimen, subject to rules established by DOJ.

In recent years, the Legislature has provided additional resources to DOJ to address a DNA analysis caseload/backlog. Prior to the passage of 2007 Acts 5 and 20, the state crime laboratories were authorized 29.0 DNA analysts. Acts 5 and 20 provided position authority and funding for 31.0 DNA analysis-related positions. The provisions of 2011 Act 32 provided an additional 6.0 DNA analyst positions annually. The agency request would eliminate the separate allocation of funding and positions for the specifically authorized purpose of funding DNA analysis. Instead, the state crime laboratories would have authority to utilize these resources for DNA analysis or more broadly for other investigations and analysis undertaken by the laboratories.

9. TRANSFER INTERNET CRIMES AGAINST CHILDREN TASKFORCE FUNDING TO CRIMINAL INVESTIGATION

Request the deletion of base funding and positions allocated for the DOJ Internet crimes against children (ICAC) task force unit totaling \$2,246,200 and 31.0 positions annually

(\$1,791,100 GPR and 25.0 GPR positions, \$66,200 FED and 1.0 FED position, and \$388,900 PR and 5.0 PR positions annually). Provide an offsetting \$2,246,200 and 31.0 positions annually to the Division of Criminal Investigation (\$1,791,100 GPR and 25.0 GPR positions, \$66,200 FED and 1.0 FED position, and \$388,900 PR and 5.0 PR positions annually). The agency request would eliminate the allocation of funding and positions for the specifically authorized purpose of funding the DOJ ICAC task force unit. Instead, the Division of Criminal Investigation would have authority to utilize these resources for the ICAC task force or more broadly for criminal investigation.

**10. CONCEALED WEAPONS LICENSURE PROGRAM
SUPPLIES AND SERVICES FUNDING**

PR	\$667,900
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Request \$417,900 in 2013-14, and \$250,000 in 2014-15, in supplies and services funding for the concealed weapons licensure program. The request would provide base resources to replace and supplement one-time supplies and services funding that was provided to the program during the 2011-13 biennium. The funding would be utilized to maintain licensing equipment, as well as to acquire the supplies and materials utilized to produce large numbers of concealed weapons licenses. The request would be funded with license and background check fees generated as a part of the concealed weapons licensure process. An applicant for a concealed weapons license is charged a \$37 license fee and a \$13 background check fee.

11. POOLING OF REVENUE FOR THE CONCEALED WEAPONS LICENSURE PROGRAM AND THE HANDGUN PURCHASER RECORD CHECK PROGRAM

Request the following changes to appropriations that receive revenue for and authorize expenditures to administer the concealed weapons licensure program and the handgun purchaser record check program: (a) delete the PR annual background check for licenses to carry concealed weapons appropriation which receives concealed weapons license application and background check revenue to fund the administration of the concealed weapons licensure program along with its base funding and position authority of \$1,313,500 PR and 9.5 PR positions in 2013-14, and \$799,200 PR and 9.5 PR positions in 2014-15; (b) delete the PR continuing certification cards for carrying concealed weapons appropriation which receives certification card application and background check revenue to fund the administration of issuance of certification cards to carry concealed firearms to former federal law enforcement officers; (c) amend the PR continuing handgun purchaser record check appropriation which receives handgun purchaser record check fees to fund DOJ's administration of the handgun purchaser record check program to provide that this appropriation would also receive revenue from the concealed weapons licensure program (including the issuance of certification cards to former federal law enforcement officers) to fund the administration of the concealed weapons licensure program; (d) amend the title of the PR continuing handgun purchaser record check appropriation to handgun purchaser record check and concealed carry license appropriation; and (e) provide \$1,313,500 PR and 9.5 PR positions in 2013-14, and \$799,200 PR and 9.5 PR positions in 2014-15 in base resources for the concealed weapons licensure program to the PR continuing handgun purchaser record check and concealed carry license appropriation.

Until 2011-12, since its creation under 1991 Act 11, the handgun purchaser record check program had ended each state fiscal year in deficit. However, under 2009 Act 28 the handgun purchaser record check fee was increased from \$8 to \$13. In recent years, the program has also seen a substantial increase in handgun purchaser record checks associated with increased handgun sales. The program began 2011-12 with a deficit of \$613,700 PR. However, during 2011-12, the program received \$1,560,900 PR in handgun purchaser record check fees and expended \$492,900 PR. As a result, the program concluded 2011-12 with a positive balance of \$454,300 PR. Under the agency request, to the extent that the handgun purchaser record check program generated revenues that exceeded program expenditures, these revenues could be utilized to support the administration of the concealed weapons licensure program. Alternatively, if the handgun purchaser record check program returned to a deficit situation, revenue from the concealed weapons licensure program could be utilized to offset this deficit.

Under current law, the primary appropriation for the concealed weapons licensure program is the annual background check for licenses to carry concealed weapons appropriation. As an annual appropriation, any increased expenditure authority for the appropriation/concealed weapons licensure program must be approved by the Legislature. Under the agency request the consolidated appropriation for the handgun purchaser record check program and the concealed weapons license program would be a continuing appropriation. As a result, DOJ and the administration would be authorized to increase expenditure authority for the programs.

12. PAY PROGRESSION FOR ASSISTANT ATTORNEYS GENERAL

Request amendment to state statute to provide that, like assistant district attorneys, the compensation of assistant attorneys general be increased annually under a pay progression plan. The pay progression plan would consist of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest hourly salary and the highest hourly salary for assistant attorneys general contained in the state compensation plan. Notwithstanding the creation of a 17 hourly salary step pay progression plan, DOJ would be authorized to: (a) deny annual salary increases to individual assistant attorneys general; and (b) increase the salary of individual assistant attorneys general by up to 10% per year.

13. LOCATION AND NAMING OF STATE CRIME LABORATORIES

Request the deletion of current law which provides that: (a) the state crime laboratories must be located in the cities of Madison, Milwaukee, and Wausau; and (b) naming the Milwaukee Crime Laboratory the William J. McCauley Crime Laboratory.

14. COUNTY TRIBAL LAW ENFORCEMENT GRANT FUNDING

Request the following earmarks be deleted: (a) \$300,000 PR annually to Forest County under the county law enforcement services grant program; and (b) \$80,000 PR annually to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians under the tribal law enforcement

grant program. This request would delete the earmarks but not the base funding to make grants under the respective programs.

The county law enforcement services grant program provides funding for county law enforcement services in counties that border tribal reservations. Of the \$490,000 PR in annual base funding for grants to counties under the county law enforcement services grant program, \$300,000 PR annually must be allocated to Forest County.

The tribal law enforcement grant program provides grants to tribes for tribal law enforcement services. Of the \$695,000 PR in annual base funding for grants to tribes under the tribal law enforcement grant program, \$80,000 PR annually must be allocated to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.